

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JANA L. TUTON  
Supervising Deputy Attorney General  
3 DANIEL J. TURNER  
Deputy Attorney General  
4 1515 K Street, Suite 511  
P. O. Box 944255  
5 Sacramento, California 94244-2550  
Telephone: (916) 327-7852

6 Attorneys for Complainant  
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9 BEFORE THE  
10 PHYSICIAN ASSISTANT EXAMINING COMMITTEE  
DIVISION OF ALLIED HEALTH PROFESSIONS  
11 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

12 In the Matter of the Accusation	)	No. 1E-93-32778
Against:	)	
13	)	
STANLEY JOEL SCHWARTZ	)	<u>ACCUSATION</u>
14 P. O. Box 5449	)	
Richmond, California 94805	)	
15 Physician Assistant	)	
License No. PA-11897	)	
16	)	
Respondent.	)	
17	)	

18 Ray E. Dale, for causes for discipline, alleges:  
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20 1. Complainant Ray E. Dale makes and files this  
21 accusation in his official capacity as Executive Officer of the  
22 Physician Assistant Examining Committee, Division of Allied Health  
23 Professions, Medical Board of California (hereinafter "Committee"),  
24 Department of Consumer Affairs, State of California.

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26 2. On October 2, 1986, the Physician Assistant Examining  
27 Committee issued physician assistant license number PA-11897 to

1 Stanley Joel Schwartz. At all times relevant herein, said license  
2 was in full force and effect. The license will expire May 31,  
3 1996, unless renewed.

4 On or about September 3, 1986, the Physician Assistant  
5 Examining Committee received Stanley Joel Schwartz's application  
6 for licensure. On August 29, 1986, Stanley Joel Schwartz certified  
7 to the truth and accuracy of the contents of the application.  
8

9 3. Under Business and Professions Code section 3527(a),  
10 the Committee may discipline a physician assistant license by  
11 suspension, revocation, or otherwise for unprofessional conduct  
12 which includes, but is not limited to, a violation of the State  
13 Medical Practice Act (Chapter 5, Division 2, commencing with  
14 Business and Professions Code section 2000).

15 Under Business and Professions Code section 3524, a  
16 license may be renewed at any time within five years after its  
17 expiration by filing an application for renewal.

18 Under Business and Professions Code section 125.3, the  
19 Committee may request the administrative law judge to direct a  
20 licentiate found to have committed a violation or violations of the  
21 licensing act to pay a sum not to exceed the reasonable costs of  
22 the investigation and enforcement of the case.  
23

24 4. Under Business and Professions Code section 3531, the  
25 Committee may order the license suspended or revoked following a  
26 conviction of any offense which is substantially related to the  
27 qualifications, functions or duties of a physician assistant.

1 Under Business and Professions Code section 2234, the  
2 Committee shall take action against any licensee who is charged  
3 with unprofessional conduct.

4 Under Business and Professions Code section 2234(e), the  
5 Committee shall take action against any licensee who is charged  
6 with unprofessional conduct including, but not limited to, the  
7 commission of any act involving dishonesty or corruption which is  
8 substantially related to the qualifications, functions or duties  
9 of a licensee.

10 Under Business and Professions Code section 2236, the  
11 conviction of any offense substantially related to the  
12 qualifications, functions or duties of a licensee constitutes  
13 unprofessional conduct.

14 Under Business and Professions Code section 2237(a), the  
15 conviction of a charge of violating any state statute regulating  
16 dangerous drugs or controlled substances constitutes unprofessional  
17 conduct.

18 Under Business and Professions Code section 2239(a), the  
19 prescribing for or administering to himself any controlled  
20 substance or dangerous drug constitutes unprofessional conduct.

21 Under Business and Professions Code section 475(b), a  
22 licensee may be suspended or revoked for knowingly making a false  
23 statement of fact required to be revealed in an application for  
24 license.

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1                   5.   "Drugs"

2                   "Stadol," a brand of butorphanol tartrate, is a dangerous  
3 drug within the meaning of Business and Professions Code section  
4 4211 in that it requires a prescription under federal law.

5                   "Talwin," a brand of pentazocine hydrochloride, is a  
6 Schedule IV controlled substance as designated by Health and Safety  
7 Code section 11057(g)(1).  
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9                   6.   Respondent has subjected his license to discipline  
10 under Business and Professions Code section 2234(a) on the grounds  
11 of unprofessional conduct in that he violated the provisions of  
12 section 2236(a) of that code in that on March 1, 1994, he was  
13 convicted by the court on his plea of nolo contendere to a  
14 violation of Health and Safety Code section 11173(a) (obtain or  
15 attempt to obtain a controlled substance by fraud, deceit,  
16 misrepresentation or subterfuge) in Sacramento County Municipal  
17 Court, case number 93F09693, entitled People v. Stanley Joel  
18 Schwartz.

19                   The circumstances surrounding the crime are substantially  
20 related to the qualifications, functions and duties of a physician  
21 assistant in that in or about November 1993, while employed as a  
22 physician assistant for Molina Medical Center, Sacramento,  
23 California, respondent stole a prescription pad from that office,  
24 forged Dr. Hartzell's signature on that prescription and then on  
25 November 15, 1993, he attempted to obtain Stadol, a dangerous drug,  
26 and Talwin, a controlled substance from the Bel-Air Pharmacy.

27   //

1           7. Respondent has subjected his license to discipline  
2 under Business and Professions Code section 3531 in that he was  
3 convicted of a crime substantially related to the qualifications,  
4 functions or duties of a physician assistant as set forth in  
5 paragraph 6 above.

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7           8. Respondent has subjected his license to discipline  
8 under Business and Professions Code section 2234(a) on the grounds  
9 of unprofessional conduct in that he violated the provisions of  
10 section 2237(a) of that code in that he was convicted of a  
11 violation of Health and Safety Code section 11173(a), a statute  
12 regulating controlled substances as set forth in paragraph 6 above.

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14           9. Respondent has subjected his license to discipline  
15 under Business and Professions Code section 2234(e) on the grounds  
16 of unprofessional conduct in that on or about November 15, 1993,  
17 he committed acts involving dishonesty and corruption by presenting  
18 a forged prescription for Stadol and Talwin to Bel-Air Pharmacy.

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20           10. Respondent has subjected his license to discipline  
21 under Business and Professions Code section 2234 on the grounds of  
22 unprofessional conduct as defined in section 2239(a) of that code  
23 in that on or about November 15, 1993, while a physician assistant,  
24 he prescribed for himself Stadol, a dangerous drug, and Talwin, a  
25 controlled substance, by presenting a forged prescription to the  
26 Bel-Air Pharmacy to obtain those medications.

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1           11. Respondent has subjected his license to discipline  
2 under Business and Professions Code section 2234 on the grounds of  
3 unprofessional conduct for violating the provisions of section 2238  
4 of that code in that in on or about November 15, 1993, he violated  
5 Health and Safety Code section 11173(a) by obtaining or attempting  
6 to obtain Talwin, a controlled substance, by fraud, deceit,  
7 misrepresentation or subterfuge when he presented a forged  
8 prescription for that drug to the Bel-Air Pharmacy.

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10           12. Respondent has subjected his license to discipline  
11 under Business and Professions Code section 475(b) in that on  
12 August 29, 1986, he knowingly made a false statement of fact  
13 required to be revealed on his application for license by answering  
14 "no" to question number 8 on his application, certifying that he  
15 had never had a healing arts license or certificate denied or  
16 disciplined by this state or any other state or country when in  
17 fact, on August 6, 1986, the State of New Hampshire, Board of  
18 Pharmacy temporarily suspended respondent's pharmacist license for  
19 ten (10) days (the final penalty was a one year suspension with  
20 permanent revocation after one year unless respondent filed a  
21 petition) pending respondent's hearing on charges that he stole  
22 controlled substances (Cocaine) from a pharmacy where he was  
23 employed.

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25           WHEREFORE, complainant prays that the Committee hold a  
26 hearing on the matters alleged herein and, following said hearing,  
27 issue a decision:

1           1. Revoking or suspending physician assistant license  
2 number PA-11897, issued to Stanley Joel Schwartz.

3           2. Ordering Stanley Joel Schwartz to pay to the  
4 Physician Assistant Examining Committee its costs for investigation  
5 and enforcement according to proof at the hearing, pursuant to  
6 Business and Professions Code section 125.3.

7           3. Taking such other and further actions as may be  
8 deemed proper and appropriate.

9           DATED: December 9, 1994

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RAY E. DALE  
Executive Officer  
Physician Assistant Examining  
Committee  
State of California  
  
Complainant

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(SM 10/17/94)